

**BEFORE**  
**SOUTH CAROLINA PUBLIC SERVICE COMMISSION**  
**DOCKET NO. 2017-292-WS**

**In Re:**

**Application of South Carolina Water Services, Inc.     )**  
**For Approval of an Increase in Rates for Water and     )**  
**Sewer Services     )**

**Direct Testimony**  
**of**  
**Keith M. Babcock, Esq.**

**On Behalf of**  
**Carolina Water Service, Inc.**

**August 2, 2018**

**BEFORE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION**

**DIRECT TESTOMONY OF KEITH M. BABCOCK, ESQ.**

1  
2 **Q. PLEASE STATE YOUR NAME, OCCUPATION AND BUSINESS ADDRESS FOR**  
3 **THE RECORD.**

4 A. My name is Keith Moss Babcock. I am an attorney. I am a partner in the law firm of Lewis  
5 Babcock L.L.P., which is located at 1513 Hampton Street, Columbia, South Carolina,  
6 29201.

7  
8 **Q. ON WHOSE BEHALF ARE YOU PRESENTING TESTIMONY IN THIS**  
9 **PROCEEDING?**

10 A. I am presenting testimony on behalf of the applicant, Carolina Water Service, Inc.  
11 ("CWS").

12  
13 **Q. PLEASE SUMMARIZE YOUR EDUCATIONAL BACKGROUND AND**  
14 **EMPLOYMENT EXPERIENCE.**

15 A. I received an AB degree from Princeton University in 1973, and I received a Juris Doctor  
16 degree with honors from George Washington University Law School in 1976. I started as  
17 an attorney at the South Carolina Attorney General's Office where I worked from 1977 to  
18 1981. I went into private practice in 1981, and in 1984, I was one of the founding partners  
19 of my firm, which is now known as Lewis Babcock L.L.P.

20  
21 I am a trial lawyer, and I have tried numerous cases in various South Carolina Circuit  
22 Courts, as well as the United States District Court for the District of South Carolina. I am  
23 also an appellate attorney, and I have argued numerous cases before the South Carolina  
24 Court of Appeals and the South Carolina Supreme Court, as well as the Fourth Circuit  
25 Court of Appeals.

26  
27 My practice primarily focuses on condemnation cases, business and governmental  
28 disputes, legal malpractice, and legal ethics. I have attached as appendix A to my Direct  
29 Testimony a current Curriculum Vitae, along with copies of my reported decisions for both  
30 state and federal court.

31  
32 **Q. WHAT IS THE PURPOSE OF TESTIMONY IN THIS PROCEEDING?**

33 A. The purpose of my testimony in this proceeding is to present to the Commission my opinion  
34 concerning the reasonableness of attorney's fees that CWS has sought to include as part of  
35 its application for an increase in its rates for water and sewer services.

36

1 **Q. HAVE YOUR FORMED AN OPINION AS TO THE REASONABLENESS OF**  
2 **THOSE ATTORNEY'S FEES?**

3 A. Yes. In my opinion, they are definitely reasonable.  
4

5 **Q. WHAT DID YOU DO TO FORM THAT OPINION?**

6 A. I met with John Hoefer, Scott Elliott, and Charlie Terreni to get an overview of the various  
7 legal proceedings associated with the attorney's fees at issue. I then had an opportunity to  
8 review a number of documents. I started with reviewing the invoices themselves, and I  
9 then proceeded to review pleadings, motions, orders, and other documents associated with  
10 the various legal proceedings.  
11

12 The proceedings included two actions in federal court, one of which is referred to as the  
13 Riverkeeper action and the other is a declaratory judgment action involving EPA. There  
14 is also a state court condemnation action involving the Town of Lexington. Finally, there  
15 are various matters involving the Administrative Law Court for the State of South Carolina.  
16

17 **Q. MR. BABCOCK, PLEASE ADDRESS THE ATTORNEY'S FEES ASSOCIATED**  
18 **WITH EACH OF THESE ACTIONS.**

19 A. When considering any question concerning attorney's fees, I believe it is important to look  
20 at the number of years at issue, as well as the number of legal proceedings. In this case,  
21 the time period runs from September 2015 to February 2018, so I think the starting point  
22 should be to consider how much time and resulting fees and costs are associated with each  
23 type action for each year. At my direction, a spreadsheet was prepared which is attached  
24 as Appendix B to my direct testimony, which demonstrates the attorney's fees and costs  
25 associated with the various actions for the years 2015, 2016, 2017, and 2018. In that regard,  
26 the total attorney's fees and costs for each year are as follows: 2015 - \$106,521.97; 2016  
27 - \$530,630.50; 2017 - \$351,564.47; and 2018 - \$4,272.20. The attorney's fees and costs  
28 are smaller for 2018 because only two months were involved, and Willoughby & Hoefer  
29 did not submit any invoices during those months.  
30

31 **Q. HOW WOULD YOU LIKE TO BREAK DOWN YOUR TESTIMONY OF THE**  
32 **REASONABLENESS OF THE ATTORNEY'S FEES AT ISSUE?**

33 A. I think the best way to break it down would be to discuss the five different actions  
34 individually, and then look at the reasonableness of the attorney's fees themselves.  
35

36 **Q. WHERE WOULD YOU LIKE TO START?**

37 A. I would like to start with the condemnation case. When I started practicing law, many  
38 attorneys thought condemnation actions were relatively simple, and many attorneys  
39 handled them. Condemnation cases have become much more involved over the years, and  
40 larger commercial cases can be quite difficult. While the jury only has to determine the

1 amount of just compensation to the landowner, the presentation of that issue in trial,  
2 particularly with the use of expert witnesses, can be very challenging. A large part of my  
3 practice involves condemnation actions, and most of those cases are the larger, more  
4 complicated commercial variety.

5  
6 In this case, you have a unique situation. The Town of Lexington, as part of the overall  
7 environmental issue which spawned all of these cases, eventually started a condemnation  
8 case against the CWS to take over the CWS I-20 wastewater system. Notably, the Town  
9 only took this action when forced to do so by DHEC.

10  
11 Typically, a condemnor and a landowner negotiate prior to the institution of a  
12 condemnation case. In fact, such a negotiation is mandated by statute, S.C. Code Ann. §  
13 28-2-70(B). In this case, the negotiations occurred over several years but were ultimately  
14 unsuccessful.

15  
16 Normally, a condemnor acquires either a part of a piece of property or the whole piece of  
17 property, and the legal issues involve the fair market value of the property acquired, plus  
18 any damages to the remainder. In this condemnation case, they are taking over the entire  
19 operating system, such that CWS will lose the entire system. While normally, a landowner  
20 does not receive compensation for business losses in South Carolina, where the Town is  
21 taking over the entire system and will be able to continue the business which CWS is  
22 operating, compensation will need to be paid not only for the real property itself, but also  
23 the financial loss of the system, since the Town will be able to operate it. It appears that  
24 this will be hotly contested when it proceeds to trial, which is frankly unlike any that I have  
25 ever seen in 40 years of trying condemnation cases.

26  
27 **Q. WHAT ABOUT THE CASES IN FEDERAL COURT?**

28 **A.** There are two federal court actions. The first case, which I will call the Riverkeeper action,  
29 is the primary one. The second action is a declaratory judgment suit involving EPA.

30  
31 Before I talk about the individual actions, let me address litigation in federal court. Over  
32 the years, litigation in federal court has become more difficult and more expensive. There  
33 is a benefit in federal court in that one judge is assigned the case from start to finish, which  
34 is not the case in state court. However, there are numerous filing requirements and  
35 deadlines in a federal court case that do not exist in a state court case. The attorney must  
36 not only know the Federal Rules of Civil Procedure, but also the Local District Court Rules,  
37 as well as the individual preferences of each District Court judge. The rules and deadlines  
38 are very rigid, and a misstep can cause significant problems for a case, which can  
39 sometimes be fatal. While there are a number of lawyers who try cases in the South  
40 Carolina state court system, the number is much smaller of those attorneys who try cases

1 in Federal Court. A byproduct of the complexity of trying cases in Federal Court is that  
2 they are almost always very expensive.

3  
4 The first federal court case is the Riverkeeper action. While the Riverkeeper certainly had  
5 the right to file this lawsuit, I find it significant that neither the United States Environmental  
6 Protection Agency, nor the South Carolina Department of Health and Environmental  
7 Control ("DHEC") apparently thought that the environmental issues warranted either of  
8 those agencies initiating an action. When the Commission looks at this case, it is very  
9 important to remember that it is still going on. In other words, the totality of this case  
10 cannot be evaluated until it is concluded. However, at this stage, a couple of things are  
11 important to me. First, CWS had no involvement in initiating the action, which was done  
12 by the Riverkeeper. However, once the Riverkeeper began the action against CWS, it had  
13 no choice but to aggressively defend itself because the action was based on the need for an  
14 interconnection which the Town refused to provide. The paperwork that I have seen  
15 demonstrates an aggressive defense by the attorneys on behalf of CWS, which, among  
16 other things, caused Judge Seymour to vacate the \$1.5 million penalty she had assessed at  
17 one point in the proceeding. I cannot overemphasize the significance of the elimination of  
18 that penalty.

19  
20 The second action in federal court was for a declaratory judgment and an injunction against  
21 the Environmental Protection Agency and the Town of Lexington. Although this case  
22 would have been a difficult one to win, I think it was a smart strategic effort to try to unlock  
23 the logjam created by the 1997 208 plan and the inability of CWS to gain an interconnection  
24 of the I-20 system to the Town of Lexington.

25  
26 **Q. I THINK THAT LEAVES US WITH THE ADMINISTRATIVE LAW COURT**  
27 **ACTIONS. PLEASE TELL US ABOUT THOSE.**

28 **A.** The Administrative Law Court ("ALC") handles nearly all of the disputes that people have  
29 with South Carolina state agencies. Many of these disputes involve the granting or denial  
30 of permits. This is particularly so with the Department of Health and Environmental  
31 Control. Because of the high stakes and the amount of money involved in these permits,  
32 they are frequently hard fought. In the world of litigation, hard fought equates to numerous  
33 hours of work for attorneys and their staff, which in turn, equates to large invoices to the  
34 client. It is unfortunate that it has become so expensive to litigate, but that is simply a fact  
35 of life.

36  
37 The primary case before the ALC was the DHEC permit denial. This permit was critical  
38 to CWS because the permit allowed it to release effluent to the Saluda River. If CWS could  
39 not release into the river and could not connect to the Lexington system, it could not operate  
40 the I-20 system.

1  
2 The second Administrative Law Court action involved a challenge to a DHEC  
3 administrative order which required CWS to present plans to construct a connection to the  
4 Town's line no later than 60 days after the DHEC permit denial became final. This action  
5 was simply to protect the company in the event that the permit denial was ultimately  
6 upheld. It is significantly smaller than the main ALC matter, but it was necessary legal  
7 since it involved a separate DHEC administrative order.  
8

9 **Q. NOW, MR. BABCOCK, LET'S TURN BACK TO THE ISSUE OF THE**  
10 **REASONABLENESS OF THE ATTORNEY'S FEES. I WOULD LIKE TO**  
11 **DIRECT YOUR ATTENTION TO THE SPREADSHEET WHICH IS ATTACHED**  
12 **AS EXHIBIT B TO YOUR TESTIMONY. PLEASE DISCUSS THE ATTORNEY'S**  
13 **FEES AND COSTS FOR THE CALENDAR YEARS 2015, 2016, 2017, AND 2018.**

14 **A.** I would be pleased to do that, but let me clarify one thing. My analysis focused on the  
15 invoices submitted by Willoughby & Hoefer. Those invoices totaled more than 90 percent  
16 of the attorney's fees at issue. I also reviewed the invoices for the other firms, and they all  
17 appeared reasonable to me. While I knew some of the lawyers involved with those other  
18 statements, some I did not.  
19

20 I would like to direct the Commission's attention to the first column of this spreadsheet.  
21 As you can see, the spreadsheet breaks down the attorney's fees and costs for each year by  
22 case. For 2015, the fees and costs for Willoughby & Hoefer total \$106,371.97. Below  
23 that, the fees and costs are broken down by case for 2016, and they total \$508,331.03.  
24 Finally, this same breakdown is utilized for 2017, where the total is \$332,808.44. As I  
25 testified earlier, there are no Willoughby & Hoefer fees and costs for 2018 because no  
26 invoices were submitted during the first two months of this year.  
27

28 **Q. ARE YOU FAMILIAR WITH THE WILLOUGHBY & HOEFER LAW FIRM AND**  
29 **THE LAWYERS WHO WORKED ON THESE CASES?**

30 **A.** Yes, I am. The Willoughby & Hoefer firm is an outstanding Columbia law firm that now  
31 also has an office in Charleston. I have known Mitch Willoughby since the late 1970s  
32 when I met him through his wife, B.J. Willoughby, who worked with me at the South  
33 Carolina Attorney General's Office. I first met John Hoefer in the late 1980s or early  
34 1990s, either before or after his deployment to Afghanistan. The other two primary  
35 attorneys who worked on these cases are Randy Lowell and Chad Johnston.  
36

37 **Q. IF YOU WOULD, MR. BABCOCK, PLEASE TELL US A LITTLE BIT ABOUT**  
38 **MR. HOEFER, MR. LOWELL, AND MR. JOHNSTON.**

39 **A.** I would be pleased to do so. Mr. Hoefer is an outstanding trial lawyer who regularly  
40 appears before administrative agencies, along with state and federal courts. He was

1 admitted to the South Carolina Bar in 1984, which means he has been practicing for nearly  
2 34 years. He has a well-deserved outstanding reputation among the members of the Bar.

3  
4 Now, let me talk about Randy Lowell, who is another outstanding attorney. Like John, he  
5 is a trial lawyer and an appellate court lawyer, who has appeared both in state court and  
6 federal court. One of his primary practice areas is environmental law, and I have had the  
7 occasion to view him work particularly over the last six or seven years. The South Carolina  
8 Supreme Court referred to Randy in an opinion as an "environmental scholar," a reference  
9 that he is rightfully proud of. *Georgetown Cty. League of Women Voters v. Smith Land*  
10 *Co.*, 393 S.C. 350, 356, 713 S.E.2d 287, 290 (2011) (J. Hearn, dissenting). Randy has also  
11 edited the *South Carolina Administrative Practice and Procedure, Third Edition*.

12  
13 Finally, Chad Johnston is the third lawyer who had significant time in these cases. Chad  
14 is a younger lawyer who was admitted to the Bar in 2007. I have also had occasion to work  
15 with Chad since he joined the Willoughby & Hoefer firm, and he is a fine young attorney.

16  
17 CWS was very fortunate to have these three lawyers doing the bulk of the legal work on  
18 the five cases at issue. Having these three lawyers working on these five cases is as good  
19 as it gets.

20  
21 **Q. NOW, LET'S GET TO THE ATTORNEYS FEES AND COSTS.**

22 **A.** Before I talk about the reasonableness of the attorney's fees and costs at issue before the  
23 Commission, I would like to discuss the motion the Riverkeeper made in its federal case  
24 for attorney's fees and costs. That motion, which was dated April 13, 2017, sought an  
25 award of \$436,460.00 in attorney's fees, and \$16,659.25 in costs, for a total of \$453,119.25.  
26 I believe that motion has yet to be ruled upon. In support of that motion, the Riverkeeper  
27 filed a declaration from Thomas S. Tisdale, Jr. Mr. Tisdale is a fine Charleston attorney  
28 who has practiced law in South Carolina since 1964, is a past president of the S.C. Bar, and  
29 is currently with the firm of Hellman, Yates and Tisdale. Prior to that, he was a partner at  
30 Nexsen Pruet, and before that, he founded the firm of Young, Clement, Rivers & Tisdale.  
31 In that case, Mr. Tisdale opined that typical billing rates for attorneys with over 20 years  
32 of experience would be over \$400.00, attorneys with 15 years of experience would be in  
33 the \$350.00 to \$400.00 an hour range, and attorneys with four years of experience would  
34 be in the \$250.00 to \$300.00 an hour range. I would agree with Mr. Tisdale that those are  
35 fairly accurate ranges for lawyers with different amounts of experience in urban areas in  
36 South Carolina.

37  
38 In this case, the hourly rates used by the law firm of Willoughby & Hoefer are significantly  
39 lower than those ranges. Here, John Hoefer charged \$315.00 an hour, Randy Lowell  
40 charged \$270.00 an hour, and Chad Johnston charged \$225.00 an hour. When I first

1 reviewed the attorney fee invoices in this case, I was surprised to see how low the  
 2 Willoughby & Hoefer rates were because I would have expected them to be significantly  
 3 higher. In discussing the billing rates with Mr. Hoefer, he advised me, which I believe is  
 4 also reflected in his affidavit, that they had a lower billing rate for CWS than other clients  
 5 due to the long-standing relationship with CWS. That fact is reflected in Mr. Hoefer's  
 6 affidavit in this proceeding, which is attached as Appendix C.

7  
 8 **Q. IN ASSESSING THE REASONABLENESS OF THE ATTORNEYS FEES AND**  
 9 **COSTS, WHAT STANDARD DID YOU USE?**

10 A. I thought it most appropriate to use the standard set forth by this Commission on page 27  
 11 of Order No. 2006-543 in Docket No. 2006-92-WS. In that Order, this Commission looked  
 12 to Rule 407, SCACR, Rule 1.5, which is part of the Rules of Professional Conduct for  
 13 attorneys in this state. There are eight factors in that rule, and I will go through them one  
 14 by one. However, I think the attorney's fees in this case also satisfy the standard utilized  
 15 by South Carolina courts in some other cases, which is very similar to the Rule 1.5  
 16 elements. See, e.g., *Glasscock v. Glasscock*, 304 S.C. 158, 403 S.E.2d 313 (1991); *Jackson*  
 17 *v. Speed*, 326 S.C. 289, 486 S.E.2d 750 (1997).

18  
 19 **Q. MR. BABCOCK, IF YOU WOULD, PLEASE DISCUSS THE EIGHT FACTORS**  
 20 **UNDER RULE 1.5.**

21 A. Certainly. The first factor is the "time and labor required, the novelty and difficulty of the  
 22 questions involved, and the skills requisite to perform the legal services properly." As you  
 23 can see from the individual invoices, as well as the charts, there was a significant amount  
 24 of time that the lawyers at Willoughby & Hoefer devoted to these cases from September  
 25 2015 through 2018. The invoices themselves are very detailed, and I refer the Commission  
 26 to each of those invoices. As I have already discussed, these cases were quite difficult,  
 27 particularly the Riverkeeper suit, the appeal of the DHEC permit, and the condemnation  
 28 case. I have previously explained how difficult each one of those cases was, along with  
 29 the issues involved in those cases. Only an experienced and skillful attorney would have  
 30 undertaken these cases, and there is no question but that Mr. Hoefer and Mr. Lowell, with  
 31 Mr. Johnston assisting, qualify.

32  
 33 The second element is "the likelihood that the acceptance of the particular employment  
 34 will preclude other employment by the lawyer." While I have not seen any indication that  
 35 the Willoughby & Hoefer firm had to turn down cases because of these five matters, there  
 36 is no question but that cases of this magnitude, particularly the Riverkeeper case, the appeal  
 37 of the DHEC permit matter, and the condemnation case would have impacted the case load  
 38 for these three attorneys. Typically, what happens in law firms is that when attorneys have  
 39 cases such as these, work gets shifted to other attorneys in the firm that the lawyers  
 40 involved in the cases would normally have handled. Remember, as I previously discussed,



1 particularly with the federal cases, there are hard and rigorous case scheduling orders which  
2 push the attorneys from the start of the case to the end.

3  
4 The third factor is the fee customarily charged in the locality for similar legal services. As  
5 I have already testified, the fees charged by the Willoughby & Hoefer are under the fees  
6 that would be charged in the Columbia area, which would be similar to other urban areas  
7 in South Carolina.

8  
9 The fourth factor is "the amount involved and the results obtained." I have already  
10 discussed the amount of the attorney's fees, and I would again refer the Commission to the  
11 charts we looked at earlier. With the exception of the declaratory judgment/injunction case  
12 involving EPA, all of these cases are still ongoing, so we do not know the final results.  
13 While the declaratory judgment/injunction was dismissed by the court, as I have already  
14 testified, this was filed for more strategic reasons than anything else. While winning this  
15 case would have been difficult, it was appropriate to try to encourage EPA to either modify  
16 the 1997 208 plan or require Lexington to allow the interconnection. The stakes were  
17 simply too large not to make that effort. In so far as the Riverkeeper suit is concerned, the  
18 Riverkeeper filed that lawsuit, and CWS had no choice but to aggressively defend itself.  
19 Furthermore, although there was a \$1.5 million penalty assessed by Judge Seymour at one  
20 point in time, the Willoughby & Hoefer firm successfully got Judge Seymour to vacate  
21 that.

22  
23 The fifth factor is "the time limitations imposed by the client or by the circumstances."  
24 Here, with one exception, the hard time factors were all dictated by the circumstances. For  
25 instance, the Riverkeeper suit was brought in federal court, and I have already explained  
26 the difficult time requirements for federal court litigation. The two matters before the  
27 Administrative Law Court were both necessitated by actions taken by the Department of  
28 Health and Environmental Control. Finally, the condemnation suit was initiated by the  
29 Town of Lexington, and the lawyers for CWS have aggressively been representing CWS  
30 in that action.

31  
32 The sixth factor is "the nature and length of the professional relationship with the client."  
33 As I previously testified, it is my understanding that the rates charged by the Willoughby  
34 & Hoefer firm were significantly lower than what would be appropriate in the legal  
35 community in Columbia due to the fact that there was a long-standing relationship between  
36 the firm and CWS.

37  
38 The seventh factor is "the experience, reputation, and ability of the lawyer or lawyers  
39 performing the services." I have already addressed this factor with the three attorneys  
40 primarily involved with the legal services in these cases. However, let me reiterate. Mr.

1       Hoefer and Mr. Lowell are two of the finest lawyers not only in Columbia, which is where  
2       Mr. Hoefer has his office, or Charleston, where Mr. Lowell has his office, but throughout  
3       the state of South Carolina. Mr. Johnston is a younger lawyer who has not yet reached that  
4       level, but he is well on his way.

5  
6       The final factor is “whether the fee is fixed or contingent.” The fees in this case were  
7       calculated using fixed hourly rates, which would certainly have been the only way any  
8       attorney would have taken the two actions in federal court or the two actions before the  
9       Administrative Law Court. While actions representing a landowner in condemnation cases  
10      are frequently undertaken on a contingency fee basis, that is not normally how larger  
11      corporations hire attorneys for condemnations cases. In fact, given the amount of money  
12      being sought by the landowner in the condemnation case, using an hourly fee approach  
13      almost certainly would be in the client’s best interest.

14  
15      Let me finish my testimony by reiterating that the fees and costs at issue are incredibly  
16      reasonable. In my opinion, they could have been significantly larger and would have still  
17      fallen within the reasonable range.

## **APPENDIX A: CURRICULUM VITAE**

*Curriculum Vitae***KEITH M. BABCOCK**

<b>Address and Contact</b>	1513 Hampton Street Columbia, SC 29201 803-771-8000 (phone) 803-733-3534 (fax) <a href="mailto:kmb@lewisbabcock.com">kmb@lewisbabcock.com</a>
<b>Education</b>	Princeton University, A.B., 1973  George Washington University, J.D., with honors, 1976
<b>Employment</b>	South Carolina Attorney General's Office Staff Attorney, 1977–1978 State Attorney, 1978–1979  Assistant Attorney General 1979–1981  Barnes & Austin Private Practice – 1981-1982  Austin & Lewis Private Practice – 1982-1983  Lewis Babcock L.L.P. 1984 to present
<b>Primary Practice Areas</b>	Eminent domain, business and governmental disputes, and professional negligence and ethics; trial and appellate litigation in State and Federal Courts Rated "AV® Preeminent™" by Martindale-Hubbell <i>Law Directory</i> Reported cases shown on Attachment
<b>Bar Admissions</b>	South Carolina, 1977 U.S. District Court, District of South Carolina, 1977 U.S. Court of Appeals, Fourth Circuit, 1977 United States Court of Federal Claims, 1979 U.S. Supreme Court, 1980 U.S. Tax Court, 1981
<b>Professional Activities</b>	Civil Justice Advisory Committee, District of South Carolina, 1991–1993 South Carolina Board of Law Examiners, 2001–2006 Richland County Bar Association

American Bar Association  
 Federal Bar Association, South Carolina Chapter  
 South Carolina Bar Chairman  
     Professional Responsibility Committee, 1985–1986  
     Professional Liability Committee, 2013–2015  
 South Carolina Association for Justice  
 Owners' Counsel of America  
 SC Chapter of the American Board of Trial Advocates,  
     President (2016)  
 Member of Advisory Committee on the Commission on Standards of  
     Judicial Conduct, past Acting Chair 2013, 2015

**Professional Publications  
 and Presentations**

- 1/18 — ALI-CLE Eminent Domain Seminar – Condemnation 101: Wanna Win? Effective Attorney-Appraiser Interaction (Panel) (Charleston, SC)
- 1/18 — ALI-CLE Eminent Domain Seminar – The Project Influence Rule and its Evidentiary Burdens (Panel) (Charleston, SC)
- 11/17, 3/13, 3/12, 3/11 — Guest Lecturer, University of South Carolina Law School, Commercial Real Estate Transactions – Eminent Domain Overview (Columbia, SC)
- 1/17 — ALI-CLE Eminent Domain Seminar – Condemnation 101: The Difference between Winning and Losing (Panel) (San Diego, CA)
- 1/15 — ALI-CLE Eminent Domain Seminar – Valuation of Temporary Construction Easements (San Francisco, CA)
- 1/15 — ALI-CLE Eminent Domain Seminar – Condemnation 101: Name That Tune: Common Trial Themes used by Condemnors and Condemnees (Panel) (San Francisco, CA)
- 2/14 — Chaired the 2014 Masters in Trial Demonstration presented by the South Carolina chapter of ABOTA (Columbia, SC)
- 1/14 — ALI-CLE Eminent Domain Seminar – Condemnation 101: How to Prepare and Present an Eminent Domain Case – The Income Approach to Value: What Makes it Tick (New Orleans, LA)
- 2/13 — Co-chaired the 2013 Masters in Trial Demonstration presented by the South Carolina chapter of ABOTA (Columbia, SC)
- 1/12 — ALI-ABA Eminent Domain Seminar – Condemnation 101: Winning the High Ground with Fundamentals of Eminent Domain Valuation and Trial Practice – What a Lawyer Should Look for When Reviewing an Appraisal in Eminent Domain (San Diego, CA)
- 2/11 — ALI-ABA Eminent Domain Seminar – Condemnation 101: Making the Complex Simple in Eminent Domain – Representing the Condemnee and Winning from the Start: Overview and Suggestions for a Case Plan (Coral Gables, FL)
- 9/09 — SC Bar / S.C. Association CPAs – Litigation Conference 2009 – Lost Profits and Economic Damages (Columbia, SC)
- 1/09 — ALI-ABA Eminent Domain Course of Study – Condemnation 101: How to Prepare and Present an Eminent Domain Case (Miami Beach, FL)

- 1/08 — ALI-ABA Eminent Domain Course of Study – Condemnation 101: Fundamentals of Condemnation Law and Land Valuation (San Francisco, CA)
- 12/07 — SC Bar (Real Estate Section) Eminent Domain CLE – Condemnation Practice (Columbia, SC)
- 9/06 — CLE International – SC Eminent Domain Conference – Environmental Issues in Condemnation Cases (North Charleston, SC)
- 2/05 — CLE International – SC Eminent Domain Conference – Public Taking for Private Gain (Charleston, SC)
- 1/05 — 22nd ALI-ABA Eminent Domain and Land Valuation Litigation Seminar – Environmental Issues and Interaction with State Environmental Agencies (Miami, FL)
- 1/02 — 19th ALI-ABA Course of Study – Eminent Domain and Land Valuation Litigation – Severance Damages (Scottsdale, AZ)

**Activities**

Past President of Columbia Jewish Community Center and currently serves on its Board of Directors; past member of the Board of Directors for the Columbia Jewish Federation; Co-recipient of the 2013 Columbia Israel Bonds Star of David Award; Member of the Board of Directors of Greater Columbia Educational Advancement Foundation (2007-2012); currently serves on the Board of Directors for the Spring Valley Homeowners' Association.

**Expert  
Testimony**

*BW&L Properties, LLC; CCC Car Wash, LLC; CCH Investments, LLC; and Chase Oil Co., Inc. vs. South Carolina Department of Transportation, Docket No. 2009-CP-21-1870*

This was a right to take challenge action involving a condemnation. Testimony was provided on behalf of the condemnor as to the reasonableness of attorneys' fees sought by the Landowner.

List of 21 results for adv: AT(keith /3 m. moss /3 babcock)

### 1. Cohen v. United States

United States District Court, D. South Carolina, Columbia Division. April 20, 2018 Slip Copy 2018 WL 1900043 3:16-CV-01489-JMC, 3:16-CV-03053-JMC

Plaintiffs above-named collectively filed these related actions seeking money damages from Defendant United States of America for the destruction caused to their homes by flood water released when the Semmes Lake Dam at Defendant's army installation Fort Jackson (South Carolina) was breached in October 2015. See Cohen v. United States, Civil...

...Signed 04/20/2018 Arthur Camden Lewis Jeffrey Ryan Heiskell Keith Moss Babcock , Lewis Babcock and Griffin, Jessica Lerer Fickling John Randall Alphin Joseph Preston...

### 2. Michelin Retirement Plan v. Dilworth Paxson, LLP

United States District Court, D. South Carolina, Greenville Division. June 12, 2017 Slip Copy 2017 WL 2531845 CV 6:16-3604-HMH-JDA

This matter is before the court with the Report and Recommendation of United States Magistrate Judge Jacquelyn D. Austin, made in accordance with 28 U.S.C. §636(b)(1)(B) and Local Civil Rule 73.02 of the District of South Carolina. Plaintiffs allege numerous causes of action arising from misappropriation of funds from their ERISA...

...Boyd , Greenville, SC, Steve Allen Matthews , Columbia, SC, for Plaintiffs. Keith Moss Babcock David Lee Paavola , Lewis Babcock LLP, Columbia, SC, David Nelson...

### 3. Michelin Retirement Plan v. Dilworth Paxson LLP

United States District Court, D. South Carolina, Greenville Division. May 10, 2017 Slip Copy 2017 WL 9292252 6:16-CV-03604-HMH-JDA

This matter is before the Court on a motion to stay and for extension of time to file an answer filed by Defendant Michelle Morton ("Morton") [Doc. 30]; and a motion to stay filed by the Michelin Retirement Plan and the Investment Committee of the Michelin Retirement Plan ("Plaintiffs") [Doc. 62]. Also pending before the...

...Beattie B. Ashmore , Beattie B. Ashmore Law Office, Greenville, SC, Keith Moss Babcock David Lee Paavola , Lewis Babcock LLP, Columbia, SC, David Nelson...

### 4. State Farm Fire and Casualty Company v. Mitchell

United States District Court, D. South Carolina, Columbia Division. September 30, 2016 Not Reported in F.Supp.3d 2016 WL 5661690 3:15-1673-TLW

The Plaintiff, State Farm Fire and Casualty Company (hereinafter "State Farm" or "Plaintiff"), filed the above-captioned declaratory judgment action pursuant to the Federal Declaratory Judgment Act, 28 U.S.C. § 2201, and Fed. R. Civ. P. 57 on April 17, 2015. (Doc. #1). In this action, Plaintiff State Farm seeks to...

...Miller and Lybrand, Columbia, SC, for Plaintiff. Arthur Camden Lewis Keith Moss Babcock Jeffrey Ryan Heiskell , Lewis Babcock and Griffin, Columbia, SC, Joseph...

List of 21 results for adv: AT(keith /3 m. moss /3 babcock)

#### 5. Estate of Peeples v. Barnwell County Hosp.

United States District Court, D. South Carolina, Aiken Division. February 18, 2014 Not Reported in  
F.Supp.3d 2014 WL 607586 CIV.A. 1:13-01678

This matter is before the court by way of an appeal by the Estate of Robert M. Peeples and Six Participants of the Barnwell County Pension Plan (collectively the "Appellants") from an order filed by the United States Bankruptcy Court for the District of South Carolina (the "Bankruptcy Court") on April 18, 2013, and a motion to dismiss the appeal by...

...SC, Stanley Harold McGuffin Haynsworth Sinkler Boyd Arthur Camden Lewis Keith Moss Babcock , Lewis Babcock and Griffin, John Douglas Barnett , US Attorneys Office, Columbia, SC...

#### 6. Alexander v. Barnwell County Hosp.

United States District Court, D. South Carolina, Aiken Division. February 18, 2014 Not Reported in  
F.Supp.3d 2014 WL 607669 CIV.A. 1:13-02032

This matter is before the court by way of an appeal by Appellant Don Alexander ("Appellant" or "Intervenor") from orders filed by the United States Bankruptcy Court for the District of South Carolina (the "Bankruptcy Court") on April 18, 2013 and May 7, 2013, and a motion to dismiss the appeal by Appellee Barnwell County Hospital (the "Hospital" or...

...No. 1:13-02032. Feb. 18, 2014. Arthur Camden Lewis Keith Moss Babcock , Lewis Babcock and Griffin, Columbia, SC, for Appellant. Jesse Ronald Jones, Jr...

#### 7. Alexander v. Barnwell County Hosp.

United States District Court, D. South Carolina, Aiken Division. February 18, 2014 Not Reported in  
F.Supp.3d 2014 WL 607499 CIV.A. 1:13-02164

This matter is before the court by way of an appeal by Appellant Don Alexander ("Appellant" or "Alexander") from an order filed by the United States Bankruptcy Court for the District of South Carolina (the "Bankruptcy Court") on June 11, 2013, and a motion to dismiss the appeal by Appellee Barnwell County Hospital (the "Hospital" or "Debtor"). (See...

...1:13-02164-JMC. Feb. 18, 2014. Arthur Camden Lewis Keith Moss Babcock , Lewis Babcock and Griffin, Columbia, SC, for Appellant. Lindsey Carlberg Livingston , Adams...

#### 8. Alexander v. Barnwell County Hosp.

United States District Court, D. South Carolina, Aiken Division. September 13, 2013 498 B.R. 550 2013 WL 5203531 CIV.A. 1:12-02265

BANKRUPTCY - Appeals. Former hospital board member's appeal of order overruling his objection to hospital's Chapter 9 plan was moot.

...Const. Art. 3, §2, cl. 1 Arthur Camden Lewis Keith Moss Babcock , Lewis Babcock and Griffin, Columbia, SC, for Appellant. Lindsey Carlberg Livingston Stanley...

#### 9. In re Toyota Motor Corp.

United States District Court, C.D. California. April 08, 2011 785 F.Supp.2d 883 2011 WL 1485479 8:10-ML-02151-JVS-FM



List of 21 results for adv: AT(keith /3 m. moss /3 babcock)

TRANSPORTATION - Motor Vehicles. Foreign buyers of vehicles lacked standing to bring claims against manufacturer for diminution in market value.

...Haviland, Jr. , Haviland Hughes LLC, Philadelphia, PA, Arthur Camden Lewis Keith M. Babcock , Lewis & Babcock LLP, John S. Simmons , Simmons Law Firm LLC...

**10. In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices and Products Liability Litigation**

United States District Court, C.D. California. December 09, 2010 754 F.Supp.2d 1208 2010 WL 5058562  
8:10 ML 02151 JVS

TORTS - Fraud. Vehicle manufacturer's statements regarding sudden unexpected acceleration did not constitute "puffing."

...Levin , Levin Fishbein Sedran & Berman, Philadelphia, PA, Arthur Camden Lewis Keith M. Babcock John S. Simmons , Lewis & Babcock LLP, Columbia, SC, Thomas J...

**11. In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation**

United States District Court, C.D. California. November 30, 2010 754 F.Supp.2d 1145 2010 WL 4867562  
8:10ML 02151 JVS

ANTITRUST - Sales Practices. Nondisclosure of sudden unintended acceleration defect in vehicles was material under consumer statute.

...Pitt , Larry Pitt & Associates PC, Philadelphia, PA, Arthur Camden Lewis Keith M. Babcock , Lewis & Babcock LLP, John S. Simmons , Simmons Law Firm LLC...

**12. Dodgeland of Columbia, Inc. v. Federated Mut. Ins. Co.**

United States District Court, D. South Carolina, Columbia Division. June 16, 2010 Not Reported in F.Supp.2d  
2010 WL 2490718 3:09-CV-01190-JFA

INSURANCE - Property. Insured's economic loss from contractor's failure to fulfill contract, was not covered loss.

...accordance with its terms. Arthur Camden Lewis Brady Ryan Thomas Keith Moss Babcock Peter D. Protopapas , Lewis and Babcock, Columbia, SC, for Plaintiff...

**13. In re Toyota Motor Corp. Unintended Acceleration Marketing, Sales Practices, and Products Liability Litigation**

United States District Court, C.D. California. June 01, 2010 Not Reported in F.Supp.2d 2010 WL 2194802  
8:10ML02151JVSMOX

On May 14, 2010, the Court issued an Order seeking the parties' positions on scheduling and preliminary discovery issues, including a deadline for the filing of consolidated class action complaint(s) for economic loss, briefing schedules for Rule 12 and other pleadings motions, the entry of an appropriate evidence preservation order, and the timing...

List of 21 results for adv: AT(keith /3 m. moss /3 babcock)

...Parker Waichman Alonso LLP, Bonita Springs, FL, Arthur Camden Lewis Keith M. Babcock A. Camden Lewis , Lewis & Babcock LLP, John S. Simmons , John...

#### 14. Byerson v. Equifax Information Services, LLC

United States District Court, D. South Carolina, Greenville Division. January 09, 2009 Not Reported in F.Supp.2d 2009 WL 82497 6:07-CV-00005-GRA

COMMERCIAL LAW - Dismissal. Debtors could not be held blameless in their failure to ensure prosecution of their action under the Fair Credit Reporting Act against credit reporting agency.

...case. Fed.Rules Civ.Proc.Rule 41(b), 28 U.S.C.A Arthur Camden Lewis Keith Moss Babcock , Lewis and Babcock, Columbia, SC, Leonard A. Bennett , Consumer Litigation...

#### 15. Puglia Marine, Inc. v. Trinity Yachts

United States Court of Appeals, Fourth Circuit. November 19, 2004 112 Fed.Appx. 933 2004 WL 2634517 04-1353

This case arises from a dispute over the insurance proceeds paid on a yacht that was destroyed by a fire. Puglia Marine appeals the district court's grant of summary judgment to Trinity Yachts on Puglia Marine's claims for unjust enrichment, promissory estoppel, and breach of contract. We review the granting of summary judgment de novo. We have...

...McGowan Currie , District Judge. (CA-00-3949-4-22). ARGUED: Keith Moss Babcock Lewis, Babcock & Hawkins , Columbia, South Carolina, for Appellant. Stewart Foster Peck Lugenbuhl...

#### 16. McDaniels v. U.S.

United States Court of Appeals, Fourth Circuit. July 29, 2002 300 F.3d 407 2002 WL 1733812 01-2088, 01-2087, 01-2086

AGRICULTURE - Farming. Agriculture Dept. rule defining income eligibility for disaster relief as gross revenues was reasonable.

...7 C.F.R. §§1477.103 1477.106(f) ARGUED: Keith Moss Babcock Lewis, Babcock & Hawkins, L.L.P. , Columbia, South Carolina, for Appellants. John Berkley Grimball...

#### 17. Omni Outdoor Advertising, Inc. v. Columbia Outdoor Advertising, Inc.

United States Court of Appeals, Fourth Circuit. September 02, 1992 974 F.2d 502 1992 WL 210602 88-1388

Outdoor advertising company brought antitrust action against competitor and city which adopted rezoning ordinances restricting billboards. The United States District Court the District of South Carolina, Matthew J. Perry, Jr., J., granted defendant's motion for judgment notwithstanding the verdict. Company appealed. The...

...Arthur Camden Lewis Lewis, Babcock, Pleicones & Hawkins , Columbia, S.C., argued ( Keith M. Babcock Lewis, Babcock, Pleicones & Hawkins Randall M. Chastain University of S.C. School of...

#### 18. Omni Outdoor Advertising, Inc. v. Columbia Outdoor Advertising, Inc.

United States Court of Appeals, Fourth Circuit. December 15, 1989 891 F.2d 1127 1989 WL 150506 88-1388

List of 21 results for adv: AT(keith /3 m. moss /3 babcock)

Billboard company sued rival and city under §§ 1 and 2 of Sherman Anti-Trust Act and South Carolina Unfair Trade Practices Act, alleging that rival and city successfully conspired to keep company out of outdoor advertising market. Jury returned verdict in favor of billboard company. The United States District Court for the District of South...

...1 2 15 U.S.C.A. §§1 2 Arthur Camden Lewis ( Keith M. Babcock, Lewis, Babcock, Pleicones & Hawkins, Randall M. Chastain on brief), for plaintiff-appellant...

#### 19. W.F. Magann Corp. v. Diamond Mfg. Co., Inc.

United States Court of Appeals, Fourth Circuit.      October 22, 1985      775 F.2d 1202      84-1275

Prime contractor on Corps of Engineers project brought action against dredging subcontractor and its surety alleging breach of subcontract. Subcontractor, in three counterclaims against prime contractor and in counterclaim against prime contractor and surety in quantum meruit, alleged defective specifications, changed conditions, different site...

...D.C., on brief for appellants. A. Camden Lewis, Columbia, S.C. ( Keith M. Babcock, Lewis, Babcock, Gregory & Pleicones, Columbia, S.C., on brief), for appellees. Richard K...

#### 20. Scott v. Greenville County

United States Court of Appeals, Fourth Circuit.      September 14, 1983      716 F.2d 1409      82-2053

Real estate developer who sought building permit to construct low-income apartments brought action against county, county council, and certain private landowners alleging deprivation of various constitutional rights through wrongful withholding of building permit. The United States District Court for the District of South Carolina, George Ross...

...highly speculative to merit judicial protection. 42 U.S.C.A. §1983 Keith M. Babcock, Columbia, S.C. (William F. Austin, A. Camden Lewis, Austin & Lewis...

#### 21. Kosnoski v. Bruce

United States Court of Appeals, Fourth Circuit.      February 05, 1982      669 F.2d 944      Blue Sky L. Rep. P 71,717      81-1154

Appeal was taken from judgment entered by the United States District Court for the District of South Carolina, George Ross Anderson, Jr., J., in favor of investor in action brought pursuant to South Carolina Uniform Securities Act, challenging sale of limited partnership interests to investor. The Court of Appeals, Albert V. Bryan, Senior Circuit...

...20(12) A. Camden Lewis, Columbia, S.C. (William F. Austin, Keith M. Babcock, Barnes & Austin, Columbia, S.C., on brief), for appellant. O. G...

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

### 1. In re Megna

Court of Appeals of South Carolina. March 21, 2018 Not Reported in S.E.2d 2018 WL 1413077  
2015-002054, 2018-UP-127

Appellant James A. Anasti filed this appeal challenging a circuit court order denying his motion for sanctions against Respondent Tony Megna under Rule 11, SCRCP. Appellant argues Respondent asserted frivolous and disingenuous defenses in the underlying action in violation of Rule 11. We affirm. We find Appellant failed to carry his burden of...

...Neal Truslow , of Truslow & Truslow, of Columbia, both for Appellant. Keith M. Babcock and Ariail Elizabeth King , both of Lewis Babcock L.L.P., of...

### 2. Bennett v. Carter

Supreme Court of South Carolina. November 08, 2017 421 S.C. 374 807 S.E.2d 197 27748,  
2016-000065

ESTATE PLANNING AND PROBATE - Fiduciaries. Trusts' residual beneficiaries' claim of aiding and abetting a breach of fiduciary duty did not abate upon death of trust's sole lifetime beneficiary.

...Charleston, and Frederick K. Sharpless , of Greensboro, both for Petitioners. Keith M. Babcock A. Camden Lewis James Mixon Griffin , and Ariail Elizabeth King...

### 3. Bennett v. Carter

Court of Appeals of South Carolina. October 14, 2015 Not Reported in S.E.2d 2015 WL 5968253 2015-  
UP-491

Jacquelin S. Bennett, Genevieve S. Felder, and Kathleen S. Turner, individually, as co-trustees and beneficiaries of the Marital Trust and the Qualified Terminable Interest Trust (QTIP) created by the Thomas Stevenson Will, and Jacquelin S. Bennett and Kathleen S. Turner, as co-personal representatives on behalf of the estate of Jacquelin K....

...From Charleston County; Roger M. Young, Sr. Circuit Court Judge. Keith M. Babcock A. Camden Lewis James Mixon Griffin and Ariail Elizabeth King...

### 4. Limehouse v. Hulsey

Supreme Court of South Carolina. June 26, 2013 404 S.C. 93 744 S.E.2d 566 2010-151573,  
2011-196246, 27279

LITIGATION - Removal. Following removal, the mailing of a certified copy of federal court's remand order is necessary for jurisdiction to transfer back to state court.

...excessive and is supported by the evidence. A. Camden Lewis Keith M. Babcock , and Ariail Elizabeth King , all of Lewis Babcock & Griffin, LLP...

### 5. Alexander v. Houston

Supreme Court of South Carolina. May 29, 2013 403 S.C. 615 744 S.E.2d 517 27260, 2012-212034

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

GOVERNMENT - Counties. Simultaneous service on county council and county hospital board of trustees was improper dual office holding in violation of constitution.

...same time. Const. Art. 6, §3 A. Camden Lewis Keith M. Babcock , and Arial E. King , all of Lewis Babcock & Griffin, LLP...

#### 6. Baugh v. Columbia Heart Clinic, P.A.

Court of Appeals of South Carolina. January 16, 2013 402 S.C. 1 738 S.E.2d 480 5074

LABOR AND EMPLOYMENT - Contracts. Covenant not to compete prohibiting cardiologists from competing within 20 miles of former practice for 12 months was reasonable.

...41-10-50 41-10-80(C) A. Camden Lewis Keith M. Babcock , and Ariail King , of Lewis Babcock & Griffin LLP, of Columbia...

#### 7. Dutch Fork Development Group II, LLC v. SEL Properties, LLC

Supreme Court of South Carolina. August 22, 2012 406 S.C. 596 753 S.E.2d 840 27139

TORTS - Tortious Interference. Manager of LLC was not personally liable for alleged tortious interference with LLC's contract with another company.

...change orders, and terminated the contract. A. Camden Lewis and Keith M. Babcock , both of Lewis and Babcock, of Columbia, for Appellant. Carmen...

#### 8. In re Mullinax

Supreme Court of South Carolina. February 01, 2012 396 S.C. 504 722 S.E.2d 524 27091

LEGAL SERVICES - Discipline. Attorney's sexual relations with client in action for divorce warranted public reprimand.

...Disciplinary Counsel, both of Columbia, for Office of Disciplinary Counsel. Keith M. Babcock , of Lewis Babcock & Griffin, LLP, of Columbia, for respondent. PER...

#### 9. In re Hughes

Supreme Court of South Carolina. May 31, 2011 392 S.C. 476 710 S.E.2d 75 26979

In this judicial disciplinary matter, respondent and the Office of Disciplinary Counsel (ODC) have entered into an Agreement for Discipline by Consent pursuant to Rule 21, RJDE, Rule 502, SCACR. In the agreement, respondent admits misconduct and consents to the imposition of a public reprimand pursuant to Rule 7(b), RJDE, Rule 502, SCACR....

...Disciplinary Counsel, both of Columbia, for Office of Disciplinary Counsel. Keith M. Babcock , of Lewis & Babcock, LLP, of Columbia, for respondent. PER CURIAM...

#### 10. Ahrens v. State

Supreme Court of South Carolina. May 02, 2011 392 S.C. 340 709 S.E.2d 54 26966

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

LABOR AND EMPLOYMENT - Public Employment. No contract existed between State and working retirees which exempted working retirees from amended statute that required them to make contributions to Retirement System.

...Werner , both of Columbia; for Appellants-Respondents. A. Camden Lewis Keith M. Babcock and Ariail E. King , all of Lewis & Babcock, of Columbia...

#### 11. Vortex Sports & Entertainment, Inc. v. Ware

Court of Appeals of South Carolina. April 28, 2008 378 S.C. 197 662 S.E.2d 444 4380

TORTS - Tortious Interference. Employer aided and abetted employee's breach of fiduciary duty to former employer and tortiously interfered with contract.

...Hunter , both of Chicago, for Appellant/Respondent. A. Camden Lewis Keith M. Babcock , and Ariail E. King , all of Columbia, for Respondent/Appellant...

#### 12. Layman v. State

Supreme Court of South Carolina. January 28, 2008 376 S.C. 434 658 S.E.2d 320 26427

LABOR AND EMPLOYMENT - Attorney Fees. Counsel for TERI participants were entitled to state action statute attorney fees in class action against Retirement System and State.

...Stepp & Lafitte, of Columbia, for Appellants/Respondents. A. Camden Lewis Keith M. Babcock , and Ariail E. King , all of Lewis & Babcock, of Columbia...

#### 13. In re Martin

Supreme Court of South Carolina. June 25, 2007 374 S.C. 36 647 S.E.2d 218 26351

LEGAL SERVICES - Discipline. Six-month suspension was appropriate for attorney who allocated charges to client's files on which time had not been spent.

...Disciplinary Counsel, both of Columbia, for Office of Disciplinary Counsel. Keith M. Babcock , of Lewis and Babcock, of Columbia, for Respondent. PER CURIAM...

#### 14. Dutch Fork Development Group II LLC v. SEL Properties, LLC

Court of Appeals of South Carolina. February 23, 2007 Not Reported in S.E.2d 2007 WL 8326644 2007-UP-100

Dutch Fork Development Group II and Dutch Fork Realty (collectively referred to hereinafter as Dutch Fork) appeal the trial court's quashing of three notices of lis pendens filed on real estate owned by SEL Properties, LLC. We affirm. In November 2000 and October 2002, Dutch Fork entered into two separate contracts with SEL. Each contract provided...

...Tony S. Catone , all of Blythewood, for Appellants. Camden Lewis Keith M. Babcock and Brady R. Thomas , all of Columbia, for Respondents. PER...

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

### 15. Lindler v. South Carolina Workers' Compensation Com'n

Supreme Court of South Carolina. January 29, 2007 Not Reported in S.E.2d 2007 WL 8434532 2007-MO-006

Affirmed pursuant to Rule 220(b)(1) SCACR, and the following authorities: Botchie v. O'Dowd, 299 S.C. 329, 384 S.E.2d 787 (1989), Heath v. Aiken County, 295 S.C. 416, 368 S.E.2d 904 (1988), Anders v. Richland County Council, 284 S.C. 142, 325 S.E.2d 538 (1985). AFFIRMED.

...J. Lewis Cromer, of Cromer & Mabry, of Columbia, for Appellant. Keith M. Babcock, of Lewis & Babcock, of Columbia, for Respondents. PER CURIAM. Affirmed...

### 16. Sloan v. Hardee

Supreme Court of South Carolina. January 08, 2007 371 S.C. 495 640 S.E.2d 457 26242

GOVERNMENT - Highways and Roads. Department of Transportation (DOT) commissioner could serve one term but not a succeeding, consecutive term.

...James G. Carpenter, of Greenville, for Petitioner. A. Camden Lewis Keith M. Babcock Ariail E. King, and Linda C. McDonald, all of Columbia...

### 17. Morris v. South Carolina Workers' Compensation Com'n

Supreme Court of South Carolina. August 21, 2006 370 S.C. 85 634 S.E.2d 651 26201

LABOR AND EMPLOYMENT - Public Employment. Statute authorizing commissioners to employ a court reporter did not create a cause of action for court reporters.

...Commission's workforce reduction plan. Code 1976, §42-3-60 Keith M. Babcock and William A. McKinnon, of Lewis & Babcock, L.L.P., of Columbia...

### 18. Richardson v. Fairfield County ex rel. Fairfield County Council

Court of Appeals of South Carolina. May 24, 2006 Not Reported in S.E.2d 2006 WL 7286041 2006-UP-263

Joseph Richardson brought suit against Fairfield County for injuries resulting from a purported violation of the Freedom of Information Act (FOIA). The trial court dismissed Richardson's suit for mootness. Richardson appeals the order, arguing the trial court erred: (1) in dismissing the action after granting leave to amend the complaint; (2) in...

...Judge. Joseph Richardson, of Columbia, pro se. Peter D. Protopapas Keith M. Babcock A. Camden Lewis, all of Columbia, for Respondent. PER CURIAM...

### 19. Layman v. State

Supreme Court of South Carolina. May 04, 2006 368 S.C. 631 630 S.E.2d 265 26146

LABOR AND EMPLOYMENT - Public Employment. Prior version of the Teacher and Employee Retention Incentive Program created contractual rights with program participants.

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

...affected participants or the interest accumulated thereon. A. Camden Lewis Keith M. Babcock , and William A. McKinnon , all of Lewis & Babcock , of Columbia...

## 20. South Carolina State Ports Authority v. Jasper County

Supreme Court of South Carolina. April 03, 2006 368 S.C. 388 629 S.E.2d 624 26132

GOVERNMENT - Public Improvements. SCSA power to condemn land for proposed terminal on river was superior to county's eminent domain power.

...Riley & Scarborough, L.L.P. , of Columbia, for Petitioner. A. Camden Lewis Keith M. Babcock and Brady T. Thomas , all of Lewis, Babcock & Hawkins , of...

## 21. Island Packet v. Kittrell

Supreme Court of South Carolina. August 08, 2005 365 S.C. 332 617 S.E.2d 730 26021

HEALTH - Discipline. The Administrative Law Court is required to make findings of fact regarding contested closure of proceedings.

...Freeman & Parham, P.A. , of Columbia, for petitioner. A. Camden Lewis Keith M. Babcock , and Ariail E. King , of Lewis, Babcock & Hawkins, L.L.P. , of...

## 22. Binkley v. Burry

Court of Appeals of South Carolina. October 28, 2002 352 S.C. 286 573 S.E.2d 838 3558

REAL PROPERTY - Easements. Legal malpractice action for alleged failure to disclose flood easement was barred by three-year limitations period.

...be forthcoming at all. Code 1976, §15-3-535 Keith M. Babcock, of Columbia; Michael Stephen Chambers , of Greenville; for Appellants. John...

## 23. Binkley v. Rabon Creek Watershed Conservation Dist. of Fountain Inn

Court of Appeals of South Carolina. November 19, 2001 348 S.C. 58 558 S.E.2d 902 3411, 96-CP-23-3515, 97-CP-23-2758, 96-CP-23-1538, 97-CP-23-690, 96-CP-23-345, 95-CP-23-3542

REAL PROPERTY - Easements. Conservation district's floodwater easement extended to top of dam.

...Hearn and Debbie Hearn Michael S. Chambers , of Greenville; and Keith M. Babcock , of Lewis, Babcock & Hawkins , of Columbia, both for John N...

## 24. BellSouth Telecommunications, Inc. v. City of Orangeburg

Supreme Court of South Carolina. November 08, 1999 337 S.C. 35 522 S.E.2d 804 25009

ENERGY AND UTILITIES - Telecommunications. Franchise fee requiring telephone company to pay for using the public streets was valid.

...N. Watson , Columbia, William J. Quirk , Columbia, A. Camden Lewis Keith M. Babcock Lewis, Babcock & Hawkins, L.L.P. , Columbia, for appellant. James M. Brailsford...



List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

## 25. State by State Budget and Control Bd. v. City of Columbia

Supreme Court of South Carolina. June 08, 1992 308 S.C. 487 419 S.E.2d 229 23678

State Budget and Control Board brought action against city challenging city's annexation of certain property. The Richland Circuit Court, William J. McLeod, Special Judge, denied city's motion for summary judgment, and city appealed. The Supreme Court, Harwell, C.J., held that: (1) Board lacked standing to maintain action contesting annexation of...

...property. Danny C. Crowe , of Turner, Padgett, Graham & Laney, P.A. Keith M. Babcock , of Lewis, Babcock & Hawkins Roy D. Bates and James S...

## 26. Hallman v. Pointe Arcadia Horizontal Property Regime, Inc.

Court of Appeals of South Carolina. February 25, 1991 303 S.C. 555 402 S.E.2d 493 1615

Condominium unit owner brought action against condominium regime to recover for injuries sustained when she slipped and fell on snow and ice covered ground on her way to annual meeting. The Court of Common Pleas, Richland County, Frank P. McGowan, Jr., J., granted summary judgment in favor of the regime, and condominium unit owner appealed. The...

...at the meeting or driving her automobile to the meeting. Keith M. Babcock and Frederick M. Zeigler , both of Lewis, Babcock, Pleicones & Hawkins...

## 27. Manning v. City of Columbia

Supreme Court of South Carolina. March 06, 1989 297 S.C. 451 377 S.E.2d 335 22983

Transferor, which had conveyed land on river to city through deed including covenant requiring city to maintain levees to their height at time of conveyance, and retained adjacent land, brought action against city after city's portion of levee broke in two places and allowed river to flood adjacent land. The Common Pleas, Richland County,...

...and Laney, P.A., Columbia, for appellant. A. Camden Lewis and Keith M. Babcock, Lewis, Babcock, Pleicones and Hawkins, Columbia, for respondents. PER CURIAM: This is...

## 28. Smith v. Smith

Supreme Court of South Carolina. March 16, 1987 291 S.C. 420 354 S.E.2d 36 22683

Mother brought action for damages sustained as result of doctor's allegedly negligent treatment during her pregnancy, and father, as administrator of child's estate, sought recovery for wrongful death of child, with each action stating claims for negligence and for breach of warranty. The Common Pleas Court, Spartanburg County, E.C. Burnett, III,...

...15-3-530(1) 15-3-545 A. Camden Lewis, Keith M. Babcock, Georgia L. Lewis, of Lewis, Babcock, Gregory & Pleicones; and Stephen...

## 29. Hendrix v. Franklin

Court of Appeals of South Carolina. December 15, 1986 292 S.C. 138 355 S.E.2d 273 0837

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

Action was brought to foreclose on mortgage. The Circuit Court, Lexington County, William J. McLeod, Special Circuit Judge, reversed report of special referee and held that mortgagors were not in default, and mortgagee appealed. The Court of Appeals, Gardner, J., held that: (1) mortgagee's retention of mortgagors' bad check...

...James E. Barfield, Lexington, for appellant. A. Camden Lewis and Keith M. Babcock of Lewis, Babcock, Gregory & Pleicones, Columbia, for respondents. GARDNER, Judge...

### 30. Vaughan v. Kalyvas

Court of Appeals of South Carolina. March 24, 1986 288 S.C. 358 342 S.E.2d 617 0661

Payee sued on note. Makers counterclaimed based on alleged violations of usury law and Unfair Trade Practices Act. The Common Pleas Court, Horry County, Ralph K. Anderson, Jr., J., sustained payee's demurrer to counterclaims, and makers appealed. The Court of Appeals, Howell, J., held that: (1) repeal of usury laws...

...Epps, Gravely & Bowers, Myrtle Beach, for appellants. A. Camden Lewis, Keith M. Babcock, and Daryl G. Hawkins, of Lewis, Babcock, Gregory & Pleicones, Columbia...

### 31. South Carolina Dept. of Highways and Public Transp. v. Manning

Supreme Court of South Carolina. November 27, 1984 283 S.C. 394 323 S.E.2d 775 22189

Department of Highways and Public Transportation appealed board of condemnation's award of \$1,600,000 to landowner. The Common Pleas Court, Richland County, James E. Moore, and Paul M. Moore, JJ., awarded landowner \$446,951 and he appealed. The Supreme Court held that: (1) time for notice of appeal does not begin to run until resolution of board is...

...Richbourg Roberson, and William F. Austin, A. Camden Lewis and Keith M. Babcock, of Austin & Lewis, Columbia, for respondent. PER CURIAM: In this...

### 32. Wolf v. Richmond County Hosp. Authority

Court of Appeals of Georgia. November 28, 1983 169 Ga.App. 68 311 S.E.2d 507 67151

Hospital brought action for an account stated against former patient and her husband for hospital services. Former patient counterclaimed, setting forth suit for damages for medical malpractice. Patient then sought to amend counterclaim, which motion was opposed by hospital. The Richmond Civil Court, Mixon, J., denied motion...

...6-34 James D. Bauer, Augusta, William H. Moore, Jr., Keith M. Babcock, A. Camden Lewis, Columbia, S.C., for appellants. Wyck A. Knox...

### 33. Rice v. South Carolina Dept. of Highways and Public Transp.

Supreme Court of South Carolina. March 18, 1982 277 S.C. 495 289 S.E.2d 645 21675

A board of condemnation held a hearing and made an award of \$122,000 for property taken from landowner, and the department of highways and transportation appealed. The Common Pleas Court, Richland County, Anthony Harris, J., after trial de novo before a jury, entered an award in the amount of \$78,833, and the landowner appealed. The Supreme Court,...

...appellants. Atty. Gen. Daniel R. McLeod and Asst. Atty. Gen. Keith M. Babcock, and William F. Austin and A. Camden Lewis, both of...

### 34. Guerard v. Whitner

Supreme Court of South Carolina.	July 09, 1981	276 S.C. 521	280 S.E.2d 539	21516
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Opponents to the grant by the Coastal Council of a permit to construct a marina appealed from the use by the Common Pleas Court, Charleston County, Clarence E. Singletary, J., of a substantial evidence standard of review. The Supreme Court, Harwell, J., held that Circuit Court correctly limited its review. Affirmed.

...Padgett, Jr., Christopher McG. Holmes, Charleston and Asst. Atty. Gen., Keith M. Babcock and State Atty. Evans Taylor  
Barnette, Columbia, for respondents. HARWELL...

### 35. McKenzie v. McKenzie

Supreme Court of South Carolina.	June 18, 1981	276 S.C. 461	279 S.E.2d 609	21494
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Action was brought on behalf of injured automobile accident victim and on behalf of his mother, who was killed in the accident, against, inter alia, the South Carolina Highway Department to recover damages arising from the accident. The Circuit Court, Florence County, Daniel E. McEachin, Special Judge, granted Highway Department's motions to strike...

...Daniel R. McLeod, Staff Atty. Grady L. Patterson, III, and Keith M. Babcock, of Barnes, Austin & Lightsey, Columbia, for respondent. LITTLEJOHN, Justice: Appellants...

### 36. Matter of Easler

Supreme Court of South Carolina.	September 02, 1980	275 S.C. 269	269 S.E.2d 765	21289
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Disciplinary proceeding was brought. The Supreme Court held that a fraudulent scheme to obtain clients' property at a price well below its value at a time made advantageous by the domestic and financial difficulties clients are undergoing, along with an unsuccessful attempt to confound the proceedings before the hearing panel in the disciplinary...

...A). Atty. Gen. Daniel R. McLeod and Asst. Atty. Gen. Keith M. Babcock, for complainant. William Randolph Easler, pro se.  
PER CURIAM: This...

### 37. Matter of Brooks

Supreme Court of South Carolina.	May 06, 1980	274 S.C. 601	267 S.E.2d 74	21220
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In disciplinary proceeding, the Supreme Court held that failing to obey police order to stop in violation of "blue light law," causing affidavit to be prepared which knowingly misrepresents the incident, knowledge of fraudulent actions taken by secretary with respect to notarization of affidavit, and financing drug deal for client is misconduct...

...5). Atty. Gen. Daniel R. McLeod and Asst. Atty. Gen. Keith M. Babcock, Columbia, for complainant. Robert R. Carpenter, Rock Hill, for respondent...

### 38. Matter of McInnis

Supreme Court of South Carolina.	September 05, 1979	273 S.C. 589	258 S.E.2d 91	21048
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List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

In disciplinary proceedings, the Supreme Court held that reprimand of attorney, who serves as part-time judge may be merited where a partner of a part-time judge practices before the judge with or without compensation and uses his influence to have a charge reduced or dismissed. Public reprimand ordered. Gregory, J., dissented and filed opinion in...

...R. McLeod, Asst. Attys. Gen. Richard B. Kale, Jr., Perry M. Buckner and Keith M. Babcock, Columbia, for complainant. Edward E. Saleeby and James C. Cox...

### 39. Whetstone v. South Carolina Dept. of Highways and Public Transp.

Supreme Court of South Carolina. January 30, 1979 272 S.C. 324 252 S.E.2d 35 20865

Plaintiffs sought damages from Department of Highways and Public Transportation and driver of car in three separate lawsuits for personal injuries and wrongful death alleged to have been sustained by passengers in car as a result of collision in Orangeburg County between a highway department motor grader and car. Department moved for a dismissal...

...Deputy Atty. Gen. Victor S. Evans and Asst. Atty. Gen. Keith M. Babcock, Columbia, and Brown, Jefferies & Boulware, Barnwell, for appellant. Blatt & Fales...

### 40. Matter of Bishop

Supreme Court of South Carolina. January 25, 1979 272 S.C. 306 251 S.E.2d 748 20862

In an original proceeding upon recommendation of Board of Commissioners on Grievances and Discipline that attorney be permanently disbarred, the Supreme Court held that: (1) attorney, who was not in prison at time he failed to appear at his initial disciplinary hearing and whose requests to voluntarily resign from bar or consent to disbarment were...

...McLeod and Asst. Attys. Gen. Richard B. Kale, Jr. and Keith M. Babcock, Columbia, for complainant. Respondent not represented by counsel. PER CURIAM...

### 41. Hunter v. State

Supreme Court of South Carolina. May 22, 1978 271 S.C. 48 244 S.E.2d 530 20696

Appeal was taken from an order of the Common Pleas Court, Union County, Joseph R. Moss, Special Judge, denying an application for postconviction relief filed by a petitioner who had been convicted of voluntary manslaughter. The Supreme Court, Rhodes, J., held that the petition was barred as being "successive." Appeal dismissed.

...McLeod, Asst. Atty. Gen. Emmet H. Clair and Staff Atty. Keith M. Babcock, Columbia, for respondent. RHODES, Justice: This is an appeal from...

### 42. South Carolina State Ports Authority v. South Carolina Coastal Council

Supreme Court of South Carolina. March 02, 1978 270 S.C. 320 242 S.E.2d 225 20627

South Carolina State Ports Authority brought action seeking declaratory judgment construing exemption proviso in permit statute and setting aside administrative decision of South Carolina Coastal Council regarding the Wando River project. The Common Pleas Court, Charleston County, Clarence E. Singletary, J., entered order favorable to plaintiff,...

List of 42 results for adv: AT(keith /3 m. moss /3 babcock)

...Deputy Atty. Gen. C. Tolbert Goolsby, Jr. and Staff Atty. Keith M. Babcock, Columbia, and Benjamin H. Gregg, Jr., Charleston, for appellant. William...